



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 14, 1996

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR96-0187

Dear Ms. Nguyen:

You ask this office to reconsider the ruling reached in Open Records Letter No. OR95-051 (1995). Your request for reconsideration was assigned ID# 31847.

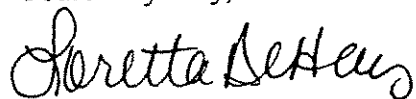
In Open Records Letter No. OR95-051 (1995), this office concluded that the City of Houston (the "city") had not established that litigation was reasonably anticipated for purposes of section 552.103 of the Government Code. The city requested reconsideration of that ruling on February 10, 1995, asserting that a claim for damages had been filed against the city on October 20, 1994. We understand that the city denied the claim and was subsequently sued. We now conclude that you have established that section 552.103 applies to the requested information. Accordingly, the city may withhold the information from required public disclosure¹

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous

¹We note that if the opposing parties in the litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).

determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/ch

Ref.: ID# 31847

Enclosures: Submitted documents

cc: Mr. Jerry Gottesman
Gottesman, McAllister & Kirk, P.C.
8 Greenway Plaza, Suite 802
Houston, Texas 77046
(w/o enclosures)